

United States District Court
Eastern District of Washington

Jonathan p. O'Day

FILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 08 2024

SEAN F. McAVOY, CLERK
SPOKANE, WASHINGTON

(In the space above enter the full name(s) of the plaintiff(s).)

2:24-cv-00347-ACE

Case No.

(To be filled out by Clerk's
Office only)

-against-

The State Of Washington

COMPLAINT

Jury Demand?

☐ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section I. Do not include
addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

I. PARTIES IN THIS COMPLAINT**Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff: O'Day Jonathan P.
 Name (Last, First, MI)
14323 w. pinebluff rd
 Street Address
spokane, Nine mile falls Wa 99026
 County, City State Zip Code
509-514-3204
 Telephone Number

Defendant(s)

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: State of Washington
 Name (Last, First)

Street Address

County, City State Zip Code
 Defendant 2: Represented by Julie Larson
 Name (Last, First)
1116 w Riverside Ave 100
 Street Address
spokane, spokane wa. 99201
 County, City State Zip Code

Defendant(s) Continued

Defendant 3:

Name (Last, First)

Street Address

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Street Address

County, City

State

Zip Code

II. BASIS FOR JURISDICTION

Check the option that best describes the basis for jurisdiction in your case:

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws, or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

Can the State of Washington and it's actors frustrate rights under the color of law to prevent the access to fair hearings and appeals? Can they refuse to provide required court transcripts and records from the directors office and the OAH. Can the state of Washington claim to represent in limited capacity Maas Construction then not provide address for service then try to claim failure to properly serve then motion for dismissal?
Can the state of Washington via the director of labor and industries note in his review that I have 30 days to file appeal and serve then have julie Larson motion for lack of service at 20? Can this court allow for a case number and reserve right to hear these issues after further hearings to protect the integrity of the proceedings.

III. VENUE

This court can hear cases arising out of the Eastern District of Washington.

Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because:

It involves due process rights and the ability to be able to easily have access to a mandamus or other remedy if litigants rights are violated. Petitioner is pro
~~se and has ADHD and will need access quickly to preserve his constitutional~~
rights.

IV. STATEMENT OF CLAIM

Place(s) of
occurrence:

In Washington

Date(s) of occurrence: ?

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.

FACTS:

What
happened to
you?

The state investigated a sick leave right complaint which was supposed to be within 90 days and did sit on the case now going on 4 years. other violations
~~where alleged and asked for investigation which were arbitrarily and capriously~~
denied without substantive due process. This involed wage theft overtime theft
extra illegal \$200 deduction failure to provide breaks, abestos exposure.
~~They did have a hearing OAH where Julie Larson missrepresented to the Judge~~
~~in her filing that I was regularly late which made it into the order. Judge TJ Martin~~
Wrote that I was regularly tardy which I was not as the time sheets showed.
Because the State of washington lost or with held my initial provided evidance

~~not all of the necessary evidence was before him at the hearing and TJ Martin did frustrate my rights to discovery by refusing to require any be provided by Maas Construction not even my employment file require by Law. Not one item for discovery was provided by Maas. The State testified that I was provided everything the state had ever received yet they did not provide evidence. To appeal this case I was required to file for directors review which I did. the director on notice of documents withheld by the state did not have the OAH review and went forward. Also in my requests from the OAH of the first investigator if she was fired for loosing documents simply didn't respond. The public records department when asking the same thing did not reply except with a blanket rcw quote where the same rcw requires a specific response for denial. I am now in Spokane superior court and nobody knows how to get the records needed from the State. transcripts court records. They have noticed that it is on me to make the State provide what the State is not providing. Yesterday after receiving Ms. Larson's special notice of appearance with improper service on Maas Constructions P.O. box the only address provided by the State and Maas. I tried to file for exparte motion to allow service by mail and Judge McKay refused it as it was Judge Anderson's case who was not in and her judicial assistant unavailable. As it is not a court of record and she did not deny the motion there is no record. All I want is a fair hearing my last 4 employers have stolen overtime and not payed money required by state and federal law. I have not filed because of the chilling effects of this Maas construction case. My last job was building the Sacajawea Middle School where they did not pay all of my overtime or for my tool use per union carpenters agreements. If people can not provide me with a fair process to engage in it essentially violates all of my rights as how can a citizen feel secure that more will not be taken and nothing will be considered in any process.~~

Was
anyone
else
involved?

Who did
what?

V. INJURIES

If you sustained injuries related to the events alleged above, describe them here.

This process has been increadably difficult espesally a carpenter with ADHD Pacific Cabinets offered me a job after Sacajawea Middle School which I did not take because I could not deal with this case and with an out of State company that I could not force to uphold their contracts with the State and federal government. I can not depend on the State of Washington to up hold prevailing wage law nor state works project overtime law. They provided no time sheets and would be hard to prove without the trust that it would be investigated properly. The entire OAH order was based on because the investigator can tell a lier without the need for proof no first hand witnesses appeared to verify anything of the so called "increadible and crediable witness" the record shows mupltiple times of inconstancies and lies. So this case does not make me feel like I will get a fair hearing burt instead find another fustration and abuse of process!

_____d be investigi
_____the investigat
_____to verify anyt
_____mupltiple tim

VI. RELIEF

The relief I want the court to order is:

☐ Money damages in the amount of: \$ _____

☒ Other (explain):

I would like an order to comply with nessisary documentation OAH and Directors office and responses about lost documents so I can make the local judge aware of the facts. Order the allowance for service by mail which I have already done and have return reciept. Order that if the State through the directors office allowed 30 days and the court rules says 20 that it can not ask for strict enforement and be estoped while not even providing where parties can be served. I also want rights and remedies for damages reseved if I contuinue to not have fair hearings and this case to remain open for a mandamus if required.

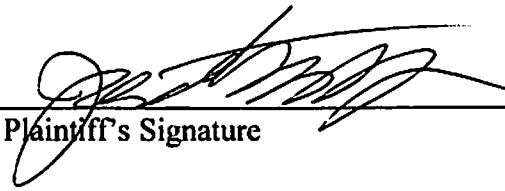
VII. CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

10-8-24

Dated


Plaintiff's Signature

O'Day Jonathan P.

Printed Name (Last, First, MI)

14323 w pinebluff

Address

nine mile falls

City

wa

State

99026

Zip Code

Telephone Number

List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.

RECEIVED

SEP 25 2024

ATTORNEY GENERAL'S OFFICE
SPOKANE-TIME 2:25



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND
FOR THE COUNTY OF SPOKANE

Jonathan O'Day

Petitioner/Plaintiff(s),

vs.

Washington State, Maas Construction

Respondent/Defendant(s).

24204701-32

CASE NO.

OAH-09-2023-LI-01949

Notice of appeal to superior court

(NTASUP)

Appellant Jonathan O'Day , Plaintiff herein, requires review by the Superior Court of Washington, county of Spokane, of the decision under the case number 09-2023-LI- 01949 entered on September 17, 2024 and March 04, 2024.

Attached is a copy of the decision and my submitted document to the OAH. I will submit my proof of mailings/service when completed.

Appellant name and address

Jonathan O'Day
14323 W Pinebluff Rd
Nine Mile Falls, WA 99026
odjono@protonmail.com

Respondents name and address

Julie Larson, AAG
Office of the attorney general
1116 W Riverside Ave Ste 100
Spokane, WA 99201
Julie.larson@atg.wa.gov
sidnie.bernhardt@atg.wa.gov
lnispofax@atg.wa.gov

Maas Construction, inc.
Dena Maas
P.O. Box 216
Liberty Lake, WA 99019

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Maas Construction, inc Dena Maas P.O. Box 216 Liberty Lake WA. 99019</p>  <p>9590 9402 6817 1074 5635 92</p> <p>2. Article Number (Transfer from service label)</p> <p>89 0710 5270 1508 0678 82</p>		<p>A. Signature </p> <p><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Dena Maas</p> <p>C. Date of Delivery 9/27/24</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

